
Article 7. CONTINUING REQUIREMENTS**88061 REPORTING REQUIREMENTS****88061**

- (a) Each licensee or applicant shall furnish to the licensing agency reports as required by the Department, including, but not limited to, those specified in this section.
- (b) All foster family agency personnel shall report suspected child abuse and neglect to a child protective agency in accordance with Penal Code Sections 11164 et seq.

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- (1) Penal Code 11166 provides, in part, as follows:

(a)...any child care custodian...who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse, shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. A child protective agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

Penal Code 11166.5 provides, in part, as follows:

(a)... "child care custodian" includes...licensees, administrators, and employees of licensed community care...facilities...foster parents...

Penal Code 11165.9 provides as follows:

As used in this article, "child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department. It does not include a school district police or security department.

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- (c) If any of the following incidents occur in a certified family home or in the foster family agency, the foster family agency shall report it to the Department by the Department's next working day during the normal business hours by telephone or fax:
 - (1) Any suspected physical or psychological abuse of any child.
 - (2) Death of any child from any cause.

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- (3) Any injury to any child that requires treatment by a health practitioner.
- (A) This includes a permanent change in any child from ambulatory to nonambulatory status, if serving this nonambulatory child is inconsistent with the Plan of Operation or if a fire clearance has not been obtained.

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- (B) Please note the limitations on placing children with specialized health care needs at Section 88030.1, Section 88030.2, Section 88065.1, and Section 88069.1.

Also, please note the requirement to notify the licensing agency regarding a change in the Plan of Operation at Section 88061(i)(4).

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- (4) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child.
- (A) Report suicide threats or attempts regardless of injury or treatment.
- (B) Report temporary absences if a personal history or the needs and services plan indicate that the child may be in jeopardy when absent beyond the approved time.
- (5) Epidemic outbreaks.
- (6) Poisonings.
- (7) Catastrophes.
- (8) Fires or explosions that occur in or on the premises.
- (9) Complaints associated with a certified family home's or foster family agency's compliance with applicable licensing laws and regulations.
- (d) Within seven days of the above reported incident, submit to the Department a written report that contains the following:
- (1) Name, address, and telephone number of the certified family parent(s) involved.
- (2) Child's name, age, sex, and date of admission.
- (3) Name, address, and telephone number of the foster family agency or other personnel involved.
- (4) Date and nature of the incident.

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- (5) Whether abuse report was required and filed.
- (6) Attending physician's name, findings, and treatment, if any.
- (7) Disposition of the case.
- (e) If the analysis of the incident reported takes longer than seven working days, send an interim written report to the Department within seven days and follow-up with the final written report within ten days of concluding the analysis.
- (f) The foster family agency shall report the following to the Department within ten working days:
 - (1) A change in the licensee's or applicant's mailing address.
 - (A) Report the individual's name, old address, new address, and date of the change.
 - (2) A change in the administrator or chief executive officer.
 - (A) Include the name, mailing and residence address of the new individual.
 - (B) Submit the individual's beginning date.
 - (C) Send verification of the administrator's education, experience, and qualifications.

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- 1. See Section 80019, Section 88019, and Section 88019.1 for criminal record and child abuse requirements applicable to a new administrator or chief executive officer.

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- (g) The foster family agency shall report as follows to the child's authorized representative and placement agency:
 - (1) Report the following events no later than the next working day:
 - (A) The items specified in Sections 88061(c)(1) through (8).
 - (B) The placement or removal of a child in a certified family home or licensed foster family home, under emergency circumstances and without the authorized representative's participation.
 - (C) A determination that the child must be relocated to another placement facility, because the foster family agency cannot meet the needs of the child.

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- (2) Report the following within seven days:
 - (A) The determination that the child must be relocated to another certified family home or licensed foster family home.
 - (B) Information that the child is not enrolled in or regularly attending school.
- (h) The foster family agency shall provide to the Department a log of family homes certified and decertified during the month by the tenth day of the following month.
 - (1) During the month, the foster family agency shall notify the Department within one business day of determining it necessary to decertify a certified family home due to any of the following actions by the certified family parent.
 - (A) Violating licensing rules and regulations.
 - (B) Aiding, abetting, or permitting the violation of licensing rules and regulations.
 - (C) Conducting oneself in a way that is inimical to the health, morals, welfare, or safety of a child placed in that certified family home.
 - (D) Being convicted of a crime while a certified family parent.
 - (E) Knowingly allowing any child to have illegal drugs or alcohol.
 - (F) Committing an act of child abuse or neglect or act of violence against another person.
 - (2) Notify the Department by the most expeditious means, including, but not limited to, telephone, fax, e-mail, or letter.
- (i) The foster family agency shall notify the Department before any of the following occurs:
 - (1) The establishment of a suboffice.
 - (2) A change in location of the administrative office or any suboffice.
 - (3) A change in the conditions or limits described on the license.
 - (4) Any changes in the plan of operation that affect services to children.
 - (5) A change of licensee, as required by Health and Safety Code Sections 1524 and 1524.1, including the following:
 - (A) Sale or transfer of the majority of stock.
 - (B) Separation from a parent company.

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- (C) Merger with another company.

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1. Health and Safety Code, Section 1524, provides in pertinent part:

"A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

(a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when the transfer of stock does not constitute a majority change of ownership....

(c) The licensee moves a facility from one location to another...."

2. Health and Safety Code, Section 1524.1, provides as follows:

"(a) Notwithstanding Section 1524, in the event of a sale of a licensed community care facility..where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:

(1) The licensee shall provide written notice to the department and to each resident or client or his or her legal representative of the licensee's intent to sell the facility at least 60 days prior to the transfer of property or business, or at the time that a bona fide offer is made, whichever period is longer.

(2) The licensee shall, prior to entering into an admission agreement, inform all residents/clients, or their legal representatives, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.

(b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license pursuant to this chapter.

(1) The seller shall notify, in writing, a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a community care facility. The seller shall send a copy of this written notice to the licensing agency.

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(2) The prospective buyer shall submit an application for a license, as specified in Section 1520, within five days of the acceptance of the offer by the seller.

(c) No transfer of the property or business shall be permitted until 60 days have elapsed from the date when notice has been provided to the department pursuant to paragraph (1) of subdivision (a).

(d) The department shall give priority to applications for licensure that are submitted pursuant to this section in order to ensure timely transfer of the property and business. The department shall make a decision within 60 days after a complete application is submitted on whether to issue a license pursuant to Section 1520.

(e) If the parties involved in the transfer of the property and business fully comply with this section, then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes a final determination on the application for licensure.”

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(j) The foster family agency shall notify the local health officer, as set forth in Title 17, California Code of Regulations, Section 2500, regarding the items specified in Sections 88061(c)(5) through (7) above.

(1) The licensee shall report to the local health officer all outbreaks or suspected outbreaks involving two or more children of any communicable disease listed in Handbook Section 88061(j)(1)(A) below.

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(A) Title 17, Section 2500, lists the following reportable communicable diseases as of March 21, 1997:

Acquired Immune Deficiency Syndrome (AIDS)

+ Amebiasis

+ Anisakiasis

◆ Anthrax

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- + Babesiosis
- ◆ Botulism (Infant, Food borne, Wound)
- Brucellosis
- + Campylobacteriosis
- Chancroid
- Chlamydial Infections
- ◆ Cholera
- ◆ Ciguatera Fish Poisoning
- Coccidioidomycosis
- + Colorado Tick Fever
- + Conjunctivitis, Acute Infectious of the Newborn, Specify Etiology
- + Cryptosporidiosis
- Cysticercosis
- ◆ Dengue
- ◆ Diarrhea of the Newborn, Outbreaks
- ◆ Diphtheria
- ◆ Domoic Acid Poisoning (Amnesic Shellfish Poisoning)
- Echinococcosis (Hydatid Disease)
- Ehrlichiosis
- + Encephalitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic

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- ◆ Escherichia coli 0157:H7 Infection
- + • Food borne Disease
 - Giardiasis
 - Gonococcal Infections
- + Haemophilus influenzae, Invasive Disease
- ◆ Hantavirus Infections
- ◆ Hemolytic Uremic Syndrome
- Hepatitis, Viral
- + Hepatitis A
 - Hepatitis B (specify acute case or chronic)
 - Hepatitis C (specify acute case or chronic)
 - Hepatitis D (Delta)
 - Hepatitis, other, acute
 - Kawasaki Syndrome (Mucocutaneous Lymph Node Syndrome)
 - Legionellosis
 - Leprosy (Hansen Disease)
 - Leptospirosis
- + Listeriosis
 - Lyme Disease
- + Lymphocytic Choriomeningitis

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- + Malaria
- + Measles (Rubeola)
- + Meningitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic
- ◆ Meningococcal Infections
- Mumps
- Non-Gonococcal Urethritis (Excluding Laboratory Confirmed Chlamydial Infections)
- ◆ Paralytic Shellfish Poisoning
- Pelvic Inflammatory Disease (PID)
- + Pertussis (Whooping Cough)
- ◆ Plague, Human or Animal
- + Poliomyelitis, Paralytic
- + Psittacosis
- + Q Fever
- ◆ Rabies, Human or Animal
- + Relapsing Fever
- Reye Syndrome
- Rheumatic Fever, Acute
- Rocky Mountain Spotted Fever
- Rubella (German Measles)

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Rubella Syndrome, Congenital

+

Salmonellosis (Other than Typhoid Fever)

◆

Scombroid Fish Poisoning

+

Shigellosis

+

Streptococcal Infection (Outbreaks of Any Type and Individual Cases in Food Handlers and Dairy Workers Only)

+

Swimmer's Itch (Schistosoma Dermatitis)

+

Syphilis

Tetanus

Toxic Shock Syndrome

Toxoplasmosis

+

Trichinosis

+

Tuberculosis

Tularemia

+

Typhoid Fever, Cases and Carriers

Typhus Fever

+

Vibrio Infections

◆

Viral Hemorrhagic Fevers (e.g., Crimean-Congo, Ebola, Lassa and Marburg viruses)

+

Water-associated Disease

◆

Yellow Fever

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+ Yersiniosis

Occurrence of any unusual disease

◆ Outbreaks of any disease (including diseases not listed in Section 2500). Specify if institutional and/or open community.

The above symbols have the following meaning:

(◆) - to be reported immediately by telephone.

(+) - To be reported by mailing a report, telephoning, or electronically transmitting a report within one (1) working day of identification of the case or suspected case.

(●) - to be reported immediately by telephone, when two (2) or more cases or suspected cases of Food borne disease from separate households are suspected to have the same source of illness.

(No diamond or cross symbol) - to be reported within seven (7) calendar days by mail, telephone, or electronic report from the time of identification.

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(k) The foster family agency shall report immediately to the local fire authority any fires or explosions in or on the premises of a foster family agency, certified family home, or foster family home used by the foster family agency.

(1) In areas not having organized fire services, the foster family agency shall report to the State Fire Marshal within 24 hours.

(l) The foster family agency shall send, by certified mail, copies of substantiated complaints to the persons designated in each child's placement agreement, as required by Health and Safety Code Section 1538.5(b).

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- (1) Health and Safety Code Section 1538.5 provides, in part, as follows:
- (a)(1) Not less than 30 days prior to the anniversary date of the effective date of the license of any residential community care facility license, except licensed foster family homes, the department may transmit a copy to the board members of the licensed facility, parents, legal guardians, conservators, client's rights advocate, or placement agency, as designated in each resident's placement agreement, of all inspection reports given to the facility by the department during the past year as a result of a substantiated complaint regarding a violation of this chapter relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. During that one-year period the copy of the notices transmitted and the proof of the transmittal shall be open for public inspection.
 - (b) The facility operator, at the expense of the facility shall transmit a copy of all substantiated complaints, by certified mail, to those persons described pursuant to paragraph (1) of subdivision (a) in the following cases:
 - (1) In the case of any substantiated complaint relating to resident physical or sexual abuse, the facility shall have three days, from the date the facility receives the licensing report from the state department to comply.
 - (2) In any case in which a facility has received three or more substantiated complaints relating to the same violation during the past 12 months, the facility shall have five days from the date the facility receives the licensing report to comply.
 - (c) Each residential facility shall retain a copy of the notices transmitted pursuant to subdivision (b) and proof of their transmittal by certified mail for a period of one year after their transmittal.
 - (d) If any residential facility to which this section applies fails to comply with the provisions of this section, as determined by the state department, the state department shall initiate civil penalty action against the facility in accordance with the provision of Article 3 (commencing with Section 1530) and the related rules and regulations.
 - (e) The department shall notify the residential community care facility of its obligation when it is required to comply with this section.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 11174.1, Penal Code; and Sections 1501, 1524, 1524.1, 1538, 1538.5, and 1550, Health and Safety Code.

88063 ACCOUNTABILITY**88063**

- (a) The licensee is accountable for the general supervision of the licensed facility and the certified family homes, for the establishment of policies concerning operations, and for ensuring operations comply with applicable regulations and statutes.
 - (1) The licensee shall establish internal procedures to ensure that certified family homes report incidents, complaints, and alleged child abuse to the foster family agency.
 - (2) The licensee shall establish internal procedures to ensure that reports specified in Section 88063(a)(1) by certified family homes are reported to the Department.
- (b) Upon substantiation of a complaint against a certified family home, the licensee shall ensure that appropriate action is taken.
 - (1) In the case of a substantiated child abuse complaint, the appropriate action may include removal of the child(ren), removal of a household member or decertification of the home, even though there were not sufficient grounds to warrant criminal prosecution.
 - (2) In the case of some other type of substantiated complaint, the appropriate action must ensure that the certified family home complies with applicable statutes and regulations.
- (c) The board of directors shall actively ensure accountability and perform, at a minimum, the following responsibilities:
 - (1) Establish and approve policies and procedures governing the operation of the foster family agency.
 - (2) Approve and monitor a budget for the foster family agency.
 - (3) Access and maintain the level of funds necessary to cover the costs of operating the foster family agency.

88063 ACCOUNTABILITY (Continued)**88063**

- (4) Adopt a plan of operation and program statement for the foster family agency that will ensure the services provided by the foster family agency correspond to the needs of the community.
- (5) Employ an administrator who meets the requirements of Section 88064 and Section 88065.
- (6) Maintain in the foster family agency files a written statement describing the duties delegated to the administrator.
- (7) Ensure that the administrator receives a copy of the statement describing the duties delegated to the administrator.
- (8) Review all licensing and incident reports provided by the administrator, and based upon such review, ensure that the foster family agency and its certified family homes thereafter comply with all applicable regulations.

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- (A) The information received in these reports is confidential in nature. Board members and foster family agency personnel are prohibited from further disseminating information received in these reports. Please see Health and Safety Code Section 1540.2 at Section 88065(a)(6)(A)1.

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- (9) Conduct board meetings on at least a quarterly basis to review and discuss the operation of the foster family agency.
- (10) Require that the chief executive officer, administrator, or designee be present at all board of directors meetings during which the operation or the policies of the foster family agency are discussed.
- (11) Ensure that minutes are recorded for all board of directors meetings and retained by the foster family agency as a permanent record of all board meetings.
- (12) Ensure that all minutes for board of directors meetings are available for review by the licensing agency and include an acknowledgment by the board members that they have received, reviewed, and discussed the licensing and incident reports provided to the board of directors by the administrator.
- (13) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1550, Health and Safety Code.

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88064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES**88064**

- (a) In addition to Section 80064, the following shall apply:
- (1) All foster family agencies shall have an administrator who shall meet one of the following requirements:
 - (A) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family and child counseling, counseling psychology, social psychology or equivalent education and experience as determined by the licensing agency. In addition, the administrator shall have demonstrated ability and leadership through a minimum of three years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
 - (B) A Bachelor's Degree in a behavioral science from an accredited college or university. In addition, the administrator shall have demonstrated ability and leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
 - (2) Foster family agency administrators hired before October 30, 1993, who do not meet the education and experience requirements shall remain qualified, provided they have no break exceeding three consecutive years in employment as a foster family agency administrator.
 - (3) The administrator shall be responsible for the operation of the foster family agency, including the following duties:
 - (A) Designating a staff person to perform the duties of the administrator in his/her absence from the facility who has the following qualifications.
 - 1. Knowledge of the foster family agency operations.
 - 2. Training in programs provided by the foster family agency.

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3. Designation as the authorized person to correct deficiencies that constitute immediate threats to the health and safety of children in the foster family agency certified family homes.

- (B) Appointing and dismissing staff.
- (C) Ensuring attendance at each board meeting by the chief executive officer, administrator, or designee.
- (D) Mailing copies of all alleged child abuse or neglect, substantiated complaint, licensing, and incident reports to the Board of Directors.
- (E) Organizing and carrying out a program of staff development for all staff members.
- (F) Ensuring the maintenance of a file of all foster family agency incident investigation reports and Department complaint investigation reports, including the foster family agency action taken.
- (G) Ensuring that incident and complaint investigation reports are kept confidential as required by Health and Safety Code Section 1538(b).

- (b) The administrator may also serve in another personnel capacity provided he/she meets the applicable qualifications of both positions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1531 and 1538, Health and Safety Code.

88065 PERSONNEL REQUIREMENTS**88065**

- (a) In addition to Section 80065, excluding Sections 80065(e), (f) and (j), the following shall apply:
 - (1) No foster family agency administrator, supervisor, social worker or Board of Director(s) member shall be a certified parent of the foster family agency with which he/she is affiliated.
 - (A) Individuals certified before October 30, 1993, shall be allowed to continue as certified parent(s) until the children currently in placement are removed from the certified parent(s)'s home.

88065 PERSONNEL REQUIREMENTS (Continued)**88065**

1. Individuals shall not accept additional placements from the foster family agency after October 30, 1993.
- (2) For any other employee or consultant of the foster family agency who is also a certified parent of that foster family agency there shall be a clear separation of that individual's employment responsibilities and his/her responsibilities as a certified parent.
- (3) No administrator, supervisor or social worker employed by the foster family agency shall enter into any independent financial relationship or transaction with a certified parent of a home certified by the foster family agency, including but not limited to, rental agreements, personal cash loans, or sale, trade or transfer of property, unless:
 - (A) The independent financial relationship or transaction is found by the administrator and the Board of Directors to not represent a conflict of interest for the foster family agency or the individual; and
 - (B) The written finding and a full description of the relationship or transaction are recorded in both the personnel and certified family home files.
- (4) All foster family agency personnel who have direct contact with children shall complete a minimum of one-hour training in the area of child abuse identification and reporting.
- (5) All foster family agency personnel shall complete the training specified in Section 88022(a)(5).
- (6) All foster family agency personnel shall sign the following statements:
 - (A) A statement acknowledging the provisions of Health and Safety Code Section 1540.2.

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1. Health and Safety Code Section 1540.2 reads as follows:

For any person who, without lawful authorization from a duly authorized officer, employee, or agent of the department, informs an owner, operator, employee, agent, or resident of a community care facility, of an impending and unannounced site visit to that facility by personnel of the department is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000), by imprisonment in the county jail for a period not to exceed 180 days, or by both a fine and imprisonment.

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88065 PERSONNEL REQUIREMENTS (Continued)**88065**

- (B) A statement acknowledging the child abuse and neglect reporting responsibilities in Penal Code Section 11164 et seq.
- (7) The foster family agency shall employ staff necessary to perform the duties as follow:
 - (A) An administrator as specified in Section 88064.
 - (B) A social work supervisor meeting the qualifications specified in Section 88065.2.
 - (C) Social work personnel meeting the qualifications specified in Section 88065.3 and the ratios outlined in Section 88065.5.
- (8) Each suboffice shall maintain social work personnel who meet requirements specified in Sections 88065.3 and 88065.4 to perform the functions of the suboffice.
- (9) The foster family agency shall have qualified social work personnel available on a 24-hour basis to respond to any emergencies within a two-hour period.
- (10) The foster family agency shall employ or retain professionals and consultants necessary to implement the plan of operation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 11166.5 and 11174.1, Penal Code; and Sections 1530 and 1540.2, Health and Safety Code.

88065.1 ADDITIONAL PERSONNEL REQUIREMENTS FOR FOSTER FAMILY AGENCIES PLACING CHILDREN WITH SPECIAL HEALTH CARE NEEDS 88065.1

- (a) Any foster family agency placing a child with special health care needs shall employ or contract with a registered nurse(s) to supervise and monitor the child's specialized in-home health care.
- (1) The cumulative total of the supervisory hours specified in the individualized health care plan of each child assigned to a registered nurse as part of his/her regular caseload, shall not exceed 40 hours per week.

NOTE: Authority cited: Sections 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

88065.2 SOCIAL WORK SUPERVISOR 88065.2

- (a) Each social work supervisor in a foster family agency shall be responsible for, but not limited to, the following duties:
- (1) Orientation and training of new social work personnel.
- (2) Review and oversight of social work personnel casework.
- (3) Ensure that assigned social work personnel perform their duties in compliance with applicable laws, regulations, policies and procedures.
- (b) Social work supervisors shall meet the following education and experience requirements:
- (1) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology, or social psychology.
- (2) In addition to the degree specifications in Subsection (b)(1) above, all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 1993:
- (A) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.

88065.2 SOCIAL WORK SUPERVISOR
(Continued)**88065.2**

- (B) At least nine semester units of coursework related to children and families or 18 months experience in working with children and families.
 - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (3) Experience as follows:
- (A) Three years of full-time social work or casework employment in the field of family or child welfare services; or
 - (B) Two years of full-time social work or casework employment in a licensed foster family or adoption agency.
- (c) Social work supervisors who do not meet the Master's Degree requirements specified in Subsection (b)(1) above may be granted an exception provided he/she completes the coursework and field practice or experience requirements specified in Subsection (b)(2) above.
- (1) Exceptions granted by the Department prior to January 1, 1993, shall remain in effect.
- (d) Social work supervisors who are hired on or after January 1, 1992, but prior to January 1, 1993, who do not meet the requirements listed in Subsection (b)(2) above shall be required to successfully meet those requirements by December 31, 1994, in order to remain employed as a social work supervisor in a foster family agency.
- (e) Social work supervisors who were hired prior to January 1, 1992, shall not be required to meet the requirements of Section 88065.2 in order to remain employed in a foster family agency.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code.

88065.3 SOCIAL WORK PERSONNEL**88065.3**

- (a) Social work personnel shall be employed to provide the social services of the foster family agency.
- (b) Social work personnel shall meet the following education and experience requirements:
 - (1) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology or social psychology.
 - (2) In addition to the degree specifications in Subsection (b)(1) above, all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 1993:
 - (A) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.
 - (B) At least nine semester units of coursework related to children and families, or 18 months experience in working with children and families.
 - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (c) Social work personnel who do not meet the Master's Degree requirements specified in Subsection (b)(1) above may apply for an exception provided he/she completes the coursework and field practice or experience requirements specified in Subsection (b)(2) above.
 - (1) Exceptions granted by the Department prior to January 1, 1993, shall remain in effect.
- (d) Social work personnel who are hired on or after January 1, 1992, but prior to January 1, 1993, who do not meet the requirements listed in this section shall be required to successfully meet those requirements by December 31, 1994, in order to remain employed as social work personnel in a foster family agency.

88065.3 SOCIAL WORK PERSONNEL (Continued)**88065.3**

- (e) Social work personnel who were hired prior to January 1, 1992, shall not be required to meet the requirements of this section in order to remain employed in a foster family agency.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.
- (g) Social work personnel shall be responsible for the following:
 - (1) Orientations of potential certified family home applicants.
 - (2) Evaluation and assessment of the application of the potential certified family home.
 - (3) Evaluation and assessment of a child for placement and continued placement in a certified family home or licensed foster family home.
 - (4) Placement of the child in the certified family home or licensed foster family home.
 - (5) Development and updating of the needs and services plan.
 - (6) Supervision of the placement of the child including direct contact with the child and the certified parent(s) or foster family home licensee(s).
 - (7) Provision of support services to certified parents or foster family home licensees assigned to the social worker.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code.

88065.4 SOCIAL WORK SUPERVISOR/SOCIAL WORKER RATIOS**88065.4**

- (a) The foster family agency shall employ:
- (1) One full-time social work supervisor for every six social workers or fraction thereof in a treatment agency.
 - (2) One full-time social work supervisor for every eight social workers or fraction thereof in a nontreatment agency.
- (b) A social work supervisor may function as a social worker only under the following conditions:
- (1) When fewer than six social workers are supervised in a treatment agency, the supervisor shall be allowed to carry three cases in place of supervising one social worker.
 - (2) When fewer than eight social workers are supervised in a nontreatment agency, the supervisor shall be allowed to carry three cases in place of supervising one social worker.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88065.5 SOCIAL WORKER RATIOS**88065.5**

- (a) The foster family agency shall employ, for treatment agencies, one full-time social worker for every 15 children or fraction thereof in placement.
- (b) The foster family agency shall employ, for nontreatment agencies, one full-time social worker for every 25 children or fraction thereof in placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88066 PERSONNEL RECORDS**88066**

(a) In addition to Section 80066, the following shall apply:

(1) The foster family agency shall maintain the following personnel records:

- (A) Documentation that the foster family agency personnel has completed the required training.
- (B) Documentation that the foster family agency personnel meets the education and experience requirements specified in Sections 88064, 88065, 88065.2 and 88065.3.
- (C) A record of performance evaluation and any correspondence with each employee.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88066.1 ADDITIONAL PERSONNEL RECORDS FOR FOSTER FAMILY AGENCIES PLACING CHILDREN WITH SPECIAL HEALTH CARE NEEDS**88066.1**

(a) Any foster family agency placing a child with special health care needs shall maintain the following personnel records for the registered nurse(s) required by Section 88065.1:

(1) A copy of a valid license authorizing him/her to practice as a registered nurse in California.

(2) A current list of children with special health care needs assigned to the registered nurse as part of his/her regular caseload. For each child, the list shall provide:

- (A) The child's name and address.
- (B) The number of supervisory hours required in the child's individualized health care plan.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

88068 ADMISSION AGREEMENTS**88068**

(a) In addition to Section 80068, the following shall apply:

- (1) The foster family agency shall complete and maintain current admission agreements with each certified parent(s) or foster family home licensee(s) with whom the child is placed.
 - (A) Agreements shall be dated and signed by the foster family agency and the certified parent(s) or foster family home licensee(s) prior to the placement of any child.
 - (B) The foster family agency shall retain the original copy of the agreement and shall provide copies to the certified family home or licensed foster family home.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.1 INTAKE PROCEDURES**88068.1**

- (a) The foster family agency shall develop, maintain and implement intake procedures which meet the requirements specified in this section.
- (b) The following requirements shall be met within 30 calendar days of the child's placement in the home.
 - (1) The information specified in Sections 80070 and 88070 shall be obtained from the child's authorized representative(s).
 - (A) If the information is not completed by a placement agency, the foster family agency shall make telephone and/or written requests for the information to the child's placement agency and/or authorized representative, and shall record and retain the details of those requests.
 - (B) If the information is not received within 30 calendar days of the requests specified in Subsection (A) above, the foster family agency shall obtain from other sources the information necessary to complete the foster family agency appraisal form.
 - (2) When the information is received, social work personnel shall complete a needs and services plan as specified in Section 88068.2.
 - (3) The information specified in Subsections (b)(1) and (2) above shall be reviewed by the social work personnel to determine whether the foster family agency can provide the services necessary to meet the child's needs.
 - (4) If the child is accepted for placement, the following requirements shall be met:
 - (A) A foster family agency agreement shall be signed by the authorized representative(s) and the foster family agency as specified in Section 80068(c).
 - (B) The foster family agency shall develop an admission agreement that shall be dated and signed by the certified parent(s) or foster family home licensee(s) and the foster family agency as specified in Section 88068(a)(1).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.2 NEEDS AND SERVICES PLAN**88068.2**

- (a) The needs and services plan shall identify the following:
- (1) Reason for placement.
 - (2) Education.
 - (3) Training.
 - (4) Personal care and grooming.
 - (5) Ability to manage his/her own money including the maximum amount of money the child shall be permitted to have in his/her possession at any one time.
 - (6) Visitation, including the frequency of and any other limitations on visits to the family residence and other visits inside and outside the certified family home or licensed foster family home.
 - (7) Other specific services, including necessary services to the child's parent(s) or guardian(s).
 - (8) Types of services necessary, including treatment plan for placement with a treatment agency.
 - (9) Planned length of placement including the removal and/or discharge plan specified in Section 88068.4.
- (b) The foster family agency shall ensure that the child, age and maturity permitting, his/her authorized representative(s), the certified parent(s) or the foster family home licensee(s) are offered the opportunity to participate in the development of the needs and services plan.
- (1) The needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the child's authorized representative.
- (c) The foster family agency shall provide the certified parent(s) or the foster family home licensee(s) and the child's authorized representative with a copy of the needs and services plan.
- (d) A needs and services plan shall be completed within 30 calendar days from the date of placement for all children in a certified family home or licensed foster family home.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**88068.3**

- (a) The needs and services plan specified in Section 88068.2 shall be updated at least every six months to determine the following:
 - (1) The child's need for continuing services.
 - (2) The need for modification in services.
 - (3) The foster family agency recommendation regarding the feasibility of the child's return to his/her home, placement in another facility or move to independent living.
- (b) The foster family agency shall ensure that the child, age permitting, and his/her authorized representative(s), the certified parent(s) or the foster family home licensee(s) are offered the opportunity to participate in such review.
 - (1) Modifications of the needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the child's authorized representative(s).
- (c) The foster family agency shall provide the certified foster parent(s) or the foster family home licensee(s) and the child's authorized representative(s) with a copy of the modified need(s) and services plan.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.4 REMOVAL AND/OR DISCHARGE PROCEDURES**88068.4**

- (a) The foster family agency shall develop, maintain and implement written policies and procedures governing a child's removal and/or discharge from a certified family home or licensed foster family home.
 - (1) Child, age and maturity permitting, and his/her authorized representative(s) shall receive copies of the procedures.
 - (2) Copies of the procedures, signed by the child's authorized representative(s), shall be maintained in the child's record.
- (b) The foster family agency shall ensure that the child, age and maturity permitting, and his/her authorized representative(s) are offered the opportunity to participate in the development of a discharge plan for the child.

88068.4 REMOVAL AND/OR DISCHARGE PROCEDURES (Continued)**88068.4**

- (c) If the foster family agency determines that it cannot continue to meet the needs of the child, the foster family agency shall notify the authorized representative(s) of the determination and provide written notification that the child shall be removed within seven days.
- (d) The foster family agency shall not prevent the child's removal from the certified family home or licensed foster family home under emergency circumstances by an authorized person.
 - (1) Emergency circumstances include, but are not limited to:
 - (A) Removal by law enforcement officer(s) when a child is arrested or when the child(ren) in the home is endangered by his/her continued presence in the home.
 - (B) Removal for emergency medical or psychiatric care.
 - (C) Relocation by the child's authorized representative(s).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069 CHILDREN'S MEDICAL ASSESSMENT**88069**

- (a) In addition to Section 80069, the following shall apply:
 - (1) The foster family agency shall provide the certified parent(s) or foster family home licensee(s) with a copy of each child's current medical assessment.
 - (2) If a current medical assessment cannot be obtained, the foster family agency shall ensure that a current medical assessment is completed within 30 days of placement of the child.
 - (A) If the medical assessment cannot be completed within 30 days, a medical appointment date shall be obtained by the foster family agency within 30 days of placement of the child.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.1 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED CERTIFIED FAMILY HOMES**88069.1**

- (a) The foster family agency shall not place a child with special health care needs in a specialized certified family home unless the foster family agency has obtained an individualized health care plan for the child. The plan shall include the following information:
- (1) The name, address, and phone number of the registered nurse specified in Section 88065.1.
 - (2) The appropriate number of hours of on-site supervision and monitoring, and the appropriate number of hours of off-site supervision and monitoring, needed to be provided by the nurse specified in Section 88069.1(a)(1).
 - (3) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of the certified parent for the provision of specialized in-home health care, including any required training and/or additional training.
 - (6) Identification of any available and funded medical services that are to be provided to the child in the home which may include, but is not limited to, assistance from health care professionals.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that will be identified in the child's needs and services plan or the medical assessment specified in Sections 80069 and 88069.
- (b) The individualized health care plan for each child with special health care needs shall be updated at least every six months or sooner if the needs of the child change.
- (c) For any child with special health care needs the hospital discharge plan may be adopted by the individualized health care plan team as the child's individualized health care plan.
- (d) The individualized health care plan may be combined with the child's needs and services plan or regional center individual program plan provided that all the information required by each plan is included.
- (e) The foster family agency shall provide the certified parent(s) with a copy of the child's individualized health care plan prior to placing the child. The foster family agency shall also provide the certified parent(s) with revised copy of the plan, whenever the plan is updated.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

88069.2 HEALTH PROTECTION OF CHILDREN - GENERAL REQUIREMENTS 88069.2

- (a) Each foster family agency shall ensure the provision of preventive and remedial medical care by a qualified physician or a medical clinic. The medical care provided shall include:
- (1) For infants, well baby care; for all other children, medical interventions as required.
 - (A) Physical examinations must be conducted at least annually or more often as recommended by a physician.
 - (2) Prompt treatment of remediable physical conditions.
 - (3) Necessary laboratory tests and immunizations.
 - (4) Tuberculin test or chest X-ray, and when indicated, provision for nose and throat culture and appropriate tests for sexually transmitted disease(s) for each child.
 - (5) Care in case of illness or accident, including provision for medical care and hospitalization as required.
 - (6) Dental examinations annually followed by necessary treatment; and arrangements for orthodontic care for the child when funding and services are available.
 - (7) Continuing observation of the child's progress and discussion with the physician of any changes from satisfactory conditions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.3 IMMUNIZATIONS 88069.3

- (a) A child for whom vaccination against the following diseases cannot be verified shall receive the first dose of the appropriate vaccines as determined by a physician within 30 calendar days of placement in the home and shall receive follow-up doses as recommended by a physician.
- (1) Poliomyelitis.
 - (2) Diphtheria.
 - (3) Pertussis, i.e., whooping cough.

88069.3 IMMUNIZATIONS (Continued)**88069.3**

- (4) Tetanus.
- (5) Measles.
- (6) Rubella, i.e., German measles.
- (7) Mumps.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED FOSTER FAMILY HOME CASE RECORD**88069.7**

- (a) Each foster family agency shall maintain a case record for each certified family home or licensed foster family home used by the foster family agency.
- (b) Each case record shall include the following information on each home:
 - (1) A face sheet or application form.
 - (2) A typewritten record of the home study.
 - (3) Medical reports.
 - (4) Correspondence.
 - (5) Applicable legal documents.
 - (6) Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code Section 11164 et seq.
 - (7) Evaluation of findings.
 - (8) Decisions reached.
 - (9) Actions taken.
 - (10) Contacts with references.
 - (11) A record of each child placed in the home and the dates the child was in care.

**88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED
FOSTER FAMILY HOME CASE RECORD (Continued)****88069.7**

(c) In addition to Subsection (b) above, each case record of a certified family home shall include:

- (1) Fingerprint clearances.
- (2) Child Abuse Index Check Clearances.
- (3) Any necessary fire clearances as specified in Section 83020.
- (4) A copy of the Certificate of Approval.
- (5) Documentation of the required 12 hours of annual training for certified parents as required by Section 1506(b)(2) of the Health and Safety Code.
- (6) A copy of any complaint investigation report, the findings of that report, and the action taken by the foster family agency.

(d) All information in case records shall be confidential and shall be available only to the licensing agency, placement agency staff and the foster family agency personnel who need access for the performance of their duties.

- (1) This requirement does not relieve the foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties, as required by Section 88061(l), when required to do so by the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1522, 1522.1, 1530 and 1531, Health and Safety Code.

**88069.8 ADDITIONAL CONTENT OF CERTIFIED FAMILY HOME CASE
RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES****88069.8**

(a) The foster family agency shall ensure that the case record for each specialized certified family home includes the documentation required in Sections 83066(a)(1) and/or (2), and (d).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731, Welfare and Institutions Code and Section 1531, Health and Safety Code.

88070 CHILDREN'S CASE RECORDS**88070**

(a) In addition to Section 80070, the following shall apply:

- (1) The following information regarding the child shall be obtained and maintained by the foster family agency:
 - (A) The name, address, and telephone number of the adults with whom the child was living immediately prior to the current placement.
 - (B) The name, address, and telephone number of the child's parent(s), if known.
 - (C) The name, address, and telephone number of the placement worker and placement agency.
 - (D) Educational records, if available, describing the child's present academic level, including his/her grade or performance level, and any previous school-related problems.
 - (E) Dental and medical history, if available, including immunization records and physician's orders for any medically necessary diet.
 - (F) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody.
 - (G) The list of persons who should or should not be allowed to visit and any limitations on visitation.
 - (H) Medical, psychiatric and psychological reports that identify special needs of the child diagnosed as mentally disordered or developmentally disabled.
 - (I) Medical and dental insurance coverage information including the placement agency or person responsible for medical and dental costs.
 - (J) Consent forms, completed by the child's authorized representative(s), to permit the foster family agency, certified parent(s) or foster family home licensee(s) to authorize medical and dental care.
 - (K) A copy of the child's original, and any modified, needs and services plan.

88070 CHILDREN'S CASE RECORDS (Continued) 88070

- (L) Signed copies of the foster family agency policies and procedures regarding the termination of the child's placement, discipline, and complaints.
 - (M) Documentation that vaccinations have been obtained as specified in Section 88069.3, if immunization records are not available prior to placement.
 - (N) Copy of the foster family agency agreement with authorized representative(s).
 - (O) Copy of the foster family agency agreement with the certified parents or foster family home licensees.
- (2) The following information shall be maintained in the child's record if it is determined that the child is to be removed or discharged from the foster family agency:
- (A) Date the child's authorized representative(s) was notified of the necessity for the child's removal or discharge.
 - (B) The name, address and relationship to the child of the person to whom the child was released.
 - (C) Reason for the child's removal or discharge.
- (3) All information in children's case records shall be confidential and shall be available only to the licensing agency, placement agency staff and foster family agency personnel who need access for the performance of their duties.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506(b), 1530 and 1531, Health and Safety Code.

88070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES**88070.1**

- (a) The foster family agency shall ensure that case records for each child with special health care needs contain the following additional information:
- (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has a developmental disability and is receiving services and case management from a regional center.

88070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES (Continued)**88070.1**

- (2) A copy of the child's individualized health care plan as specified in Section 88069.1.
 - (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 88069.1(b).
- (b) The foster family agency shall ensure that the needs and services plan of each child placed in a specialized certified family home not exceeding the two-child capacity limit contains the following information in addition to the information required in Sections 88068.2 and 88068.3:
 - (1) Documentation by the child's county social worker, regional center caseworker or authorized representative that the needs of the child can be met by the facility.
 - (A) New documentation shall be obtained for all children and placed in the respective needs and services plans each time there is an increase or turnover in children and the home meets the conditions described in above Section 88070.1(b).
- (c) If a third child is placed in a specialized certified family home the foster family agency shall ensure that:
 - (1) The needs and services plan for the third child documents the determination specified in Section 83010.1(a)(1)(A).
 - (2) The needs and services plan for each child in the home documents the determinations specified in Sections 83010.1(a)(1)(B) and (B)1.
 - (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Sections 83010.1(a)(1)(C) and (C)1.
 - (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two-child limit may be exceeded.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17710(a), 17731(c) and 17732(a), Welfare and Institutions Code and Section 1531, Health and Safety Code.

Article 8. PHYSICAL ENVIRONMENT**88087 ADMINISTRATIVE OFFICE/SUBOFFICE(S)****88087**

- (a) Notwithstanding Section 80087, the foster family agency shall be housed in an administrative office/suboffice(s) which provide privacy for interviewing and are conveniently located for the public.
 - (1) The office(s) shall have a separate and secure area if the foster family agency is located in a building that is also used for nonfoster family agency purposes.
- (b) All confidential foster family agency records shall be maintained in locked file cabinets in the administrative office/suboffice(s).
- (c) The administrative office shall maintain the following records:
 - (1) Case records for the children, certified family homes and licensed foster family homes served by this office;
 - (2) All personnel records.
 - (3) The foster family agency shall develop and maintain current administrative records that include an index of the location of all children in placement and all certified family homes and licensed foster family homes used by the foster family agency.
- (d) Each suboffice shall maintain:
 - (1) The case records for the children in placement and the certified family homes and licensed foster family homes used by the suboffice.
- (e) No foster family agency shall provide services to children or homes which are located more than two hours by car from the administrative office or suboffice(s) providing the service.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530, 1531, and 1557.5, Health and Safety Code.

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